

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:06-CR-12-BO

UNITED STATES OF AMERICA

v.

ROGER DALE RAY,  
Defendant.


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ORDER

This matter comes before the Court on defendant's motion for documents from the Federal Bureau of Investigation (FBI). [DE 196]. Mr. Ray requests an order from this court directing the FBI to turn over "any and all documents, records, forms, investigative reports, 302s, papers, examinations, materials, matching program, matches, and any accounting reports" pursuant to the Freedom of Information Act (FOIA), codified at 5 U.S.C. § 552. *Id.*

Here, defendant does not appear to have filed an action pursuant to Section 552 with the FBI. He merely makes the FOIA request of the FBI within the scope of his criminal case. Federal jurisdiction over a FOIA claim is dependent upon a showing that an agency improperly withheld agency records. *Kissinger v. Reporters Comm. for Freedom of the Press*, 445 U.S. 136, 150 (1980). Absent such a showing, this Court lacks jurisdiction to address Mr. Ray's request for documents. As such, his motion is DENIED.

SO ORDERED, this 16 day of July, 2015.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE